No. 09-1566

OCT 28 2010

In The
Supreme Court of the United States

Patrick Walsh Faucher, Pro Se,
Petitioner

v.

Douglass Shulman,
Commissioner of Internal Revenue
Respondent

Petition for the Rehearing of an Order Denying a
Petition for Writ of Certiorari

PETITION FOR REHEARING

Patrick Walsh Faucher, Pro Se
Post Location, In Care of
c/o 49 Mack Road
Fitchburg, Massachusetts 01420
Telephone Contact
(978) 833-1217

INTRODUCTORY STATEMENT

Petitioner suggests that the Court did err in denying the petition for Petition For Writ Of Certiorari to the United States Court of Appeals for the First Circuit and this petition for rehearing provides the opportunity for the Court to correct errors.

QUESTIONS PRESENTED FOR REVIEW

Restricted

At this time I can not think of any new questions as all that I could think of are enumerated in the Revised Petition for Writ of Certiorari that was denied.

PARTIES TO THE PROCEEDINGS

Patrick-Walsh Faucher, Pro Se
Appellant - Petitioner
Post Location, In Care of:
c/o 49 Mack road
Fitchburg
Massachusetts Commonwealth
Non-Domestic
Telephone contact, Mike: (978) 833-1217

v

Douglas Shulkman, Commissioner
Internal Revenue Service (IRS)
Respondent -Appellee
1111 Constitution Avenue, NW
Washington DC 20224-0002

Lawyers

Sara Ann Ketchum, et al., Principal Lawyer
United States Department of Justice
Tax Division
Appellate Section
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Washington D.C. 20044-0502
(202) 514-9838

Thomas J. Clark, et al.,
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Continued

John DiCicco, et al.,
Acting Assistant Attorney General
Tax Division
United States Department of Justice
Post Office Box 502
Washington, D.C. 20044-0502

Clarissa C. Potter, et al.,
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10 Causeway Street
Boston, Massachusetts 02222-1047

Neal Kumar Katyal
Acting Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Table of Contents

Appendix ..... -1-
Blue Cross, Blue Shield ..... -20-
Brief Statement from the Pro Se Petitioner i
Certificate of Restriction ..... -2-
Holy Scriptures ..... -4-
Order of the Court, Certiorari Denied ..... -1-
Parties to the Proceedings iii
Petition 1
Questions Presented for Review ii
Retirement Board Reply #1 ..... -12-
Retirement Board Reply #2 ..... -14-
Style Manual - Brackets ..... 1, -7-
Tender Offer to Retirement Board ..... -8-
Table of Authorities vi
Table of Contents v
Table of Contents, Appendix v

Table of Contents, Appendix

Appendix ..... -1-
Blue Cross, Blue Shield ..... -20-
Cases ..... -16-
Certificate of Restriction ..... -2-
Holy Scriptures ..... -4-
Legislative Acts ..... -19-
Maxims of Law ..... -18-
Order of the Court ..... -1-
Retirement Board Reply #1 ..... -12-
Retirement Board Reply #2 ..... -14-
Style Manual - Brackets ..... -7-
Tender Offer ..... -8-

Table of Authorities

Holy Scripture:

Exodus 20:3 ..... 1, -4-
Exodus 20:17 ..... 1, -6-
Exodus 21:28-36 ..... 1, -5-
Exodus 23:32-33 ..... 1, -4-
Leviticus 19:35-36 ..... 1, -4-
Malichi 3:8 ..... 1, -4-
Matthew 6:24 ..... 1, -4-

Court Cases

Hassett v. Welch, 303 U.S. 303 ..... 2, 17
Brady v. U.S., 397 U.S. 742 at 748 ..... 2, 17
Long v. Rasmussen, 281 F. 236, at 238. ..... 2, 17
Penhallow v. Doane's Administrators (3 U.S. 54; 1 L.Ed. 57; 3 Dall. 54)..... 2, -17-
Redfield v. Fisher, 292 P. 813, 135 Or. 180, 294-P.461, 73 A.L.R. 721..... 2, -16-

Maxim of Law

Legal maxim 1: If the plaintiff does not prove his case, the defendant is absolved..... 2, -18-
Legal maxims 2-6 ..... -18-

Legislative Acts

Federal Tax Lien Act of 1966: IRS now aligned with U.C.C. ..... 2, -19-

Petition

1. The Petitioner dissents with the decision of the Court and respectfully requests a rehearing.

2. Petitioner expresses that no meeting of the minds between Petitioner and the Court is presently enjoyed.

3. Any alleged contract or agreement with the Social Security Administration and the Internal Revenue Service (IRS) is further refuted in that no form bearing a Social Security [number] was tendered. See: *Style Manual - Brackets*, a/k/a "*Blocking Rule.*"

4. A *Tender Offer* was presented to the Retirement Board to make payments in gold coin. Request denied.

5. The former revised Petition for Writ of Certiorari is hereby wholly incorporated herein and made fully a part thereof by reference into this Petition for Rehearing.

6. The CD containing "Exhibits A through AA, Full Exhibit A, 1st Cir App Ct, USSC EDGAR, and USSC PDF"are hereby wholly incorporated herein and made fully a part thereof by reference into this Petition for Rehearing.

7. Petitioner continues to pay all tithes and taxes as required by the Law of God without personal benefit or gain. *Exodus 20:3, Exodus 20:17, Exodus 21:28-36, Exodus 23:32-33, Leviticus 19:35-36, Malichi 3:8, and Matthew 6:24.*

8. As the individual that composed and single handily typed the documents and petitions submitted to the IRS and various courts, the Petitioner's relief must include a decent explanation of Court decisions based upon relevant fact and law.

9. If doubt exists as to the construction of a taxing statute, the doubt should be resolved in favor of the taxpayer. *Hassett v. Welch, 303 U.S. 303.*

10. Petitioner had no knowledge that signing up for Social Security would abrogate his Rights, a fraud indeed. *Brady v. U.S., 397 U.S. 742 at 748.*

11. Petitioner reasserts his tax exempt status. *Long v. Rasmussen, 281 F. 236, at 238.*

12. Petitioner asserts his immunity against any claim tendered by the IRS. A fiction can have intercourse only with another fiction - not a living, natural born, man. *Redfield v. Fisher, 292 P. 813, 135 Or. 180, 294 P.461, 73 A.L.R. 721; Penhallow v. Doane's Administrators (3 U.S. 54; 1 L.Ed. 57; 3 Dall. 54).*

13. *Legal maxim 1:* If the plaintiff (originally the IRS) does not prove his case, the defendant (originally Faucher the Respondent) is absolved.

14. IRS remains in dishonor for failure to timely reply to Petitioners writings. *Federal Tax Lien Act of 1966.*

Relief Sought

15. Rehearing enbanc with the aim to fully reconsider

the Revised Petition Docket Number 09-1566, with a finding in favor of the Petitioner. Please.

I state under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my present knowledge, recollection, belief, and conviction. Executed on October 18th, 2010, a.D.

Patrick-Walsh: Faucher, Pro Se

Patrick-Walsh: Faucher, Pro Se
Appellant - Petitioner
Post Location, In Care of:
c/o 49 Mack road
Fitchburg
Massachusetts Commonwealth
Non-Domestic

Appendix

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

William K. Suter
Clerk of the Court
(202) 479-3011

October 4, 2010

Mr. Patrick Walsh-Faucher (sic)
c/o 49 Mack Road
Fitchburg, MA 01420

Re: Patrick Walsh-Faucher (sic)
V. Commissioner of Internal Revenue
No. 09-1566

Dear Mr. Walsh-Faucher (sic)

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

s/ William K. Sutter, Clerk
William K. Sutter, Clerk

Certificate of Restriction
(Bound)

No. 09 1566

Patrick Walsh Faucher, Pro Se,
Petitioner

v.

Douglass Shulman,
Commissioner of Internal Revenue,
Respondent

As required by United States Supreme Court Rule 44 2., I declare that the request for petition for the rehearing of an order denying a petition for writ of certiorari, Petition for Rehearing, is restricted to the grounds as specified in paragraph 2. of Rule 44.

Furthermore Petitioner declares that the Petition for Rehearing is presented in good faith and not for delay, but for correction of errors.

I state under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my present knowledge, recollection, belief, and conviction. Executed on October 18th, 2010, a.D.

Patrick-Walsh Faucher, Pro Se
Post Location, In Care of:
c/o 49 Mack Road
Fitchburg
Massachusetts Commonwealth
Non-Domestic

Income tax requires of us to serve two (2) masters in violation of Matthew 6:24.

Matthew 6:24, No man can serve two masters: for either he will hate the one, and love the other; or else he will hold to the one, and despise the other. Ye cannot serve God and mammon.

Income tax requires of us to rob God in violation of Malachi 3:8.

Malachi 3:8, Will a man rob God? Yet ye have robbed me. But ye say, In what have we robbed thee? In tithes and offerings.

Income tax requires of us that we commit idolatry in violation of Exodus 20:3.

Exodus 20:3, Thou shalt have no other gods before me.

Income tax requires of us that we use unjust weights and balances in violation of Leviticus 19:35-36.

Leviticus 19:35-36, [35] Ye shall do no unrighteousness in judgement, in weight, in measure of length or of capacity. [36] Just balances, just weights, a just ephah, and a just hin shall ye have: I am the Lord your God, who brought you out of the land of Egypt.

Income tax requires of us that we sign contracts with foreign and alien gods in violation of Exodus 23:32-33.

Exodus 23:32-33, [32] Thou shalt make no covenant with them, nor with their gods. [33] They

shall not dwell in thy land, lest they make thee to sin against me: for if thou shalt serve their gods it will surely be a snare to thee.

Social Security violates the strict liability statue in Exodus 21:28-36.

Exodus 21:28-36, [28] If an ox shall gore a man or a woman, that they die: then the ox shall be surely stoned, and his flesh shall not be eaten; but the owner of the ox shall be quit. [29] But if the ox was accustomed to push with his horn in time past, and it hath been testified to his owner, and he hath not restrained him, but that he hath killed a man or a woman; the ox shall be stoned, and his owner also shall be put to death. [30] If there shall be laid on him a sum of money, then he shall give for the ransom of his life whatever is laid upon him. [31] Whether he hath gored a son, or hath gored a daughter, according to this judgement shall it be done to him. [32] If the ox shall push a man-servant, or maid-servant; he shall give to their master thirty shekels of silver, and the ox shall be stoned. [33] And if a man shall open a pit, or if a man shall dig a pit, and not cover it, and an ox or an ass shall fall into it; [34] The owner of the pit shall make compensation, and give money to the owner of them; and the dead beast shall be his. [35] And if one man's ox shall hurt another's that he shall die, then they shall sell the live ox, and divide the money of it, and the dead ox also they shall divide. [36] Or if it shall be known that the ox hath used to push in time past, and his owner hath not restrained him; he shall surely pay ox for ox, and the dead shall be his own.

Social Security violates the Tenth Commandment by appealing to our lust and greed in violation of Exodus 20:17.

Exodus 20:17, Thou shalt not covet thy neighbor's house, thou shalt not covet thy neighbor's wife, nor his man-servant, nor his maid servant, nor his ox, nor his ass, nor any thing that is thy neighbor's.

Style Manual

United States Government Printing Office

Issued by the Public Printer Under Authority
of
44 U.S.C 1105

29th Edition

Extract from the Public Printing Law, Title 44 U.S.C., Section 1105, The Public Printer shall determine the form and style in which the printing or binding ordered by a department is executed, and the material and the size of type used, having proper regard to economy, workmanship, and the purposes for which the work is needed.

About this manual: By act of Congress the Public Printer is authorized to determine the form and style of Government Printing. ***

(see page 128 of the manual for)
Brackets
Brackets, in pairs, are used —

***

8.20. In bills, contracts, laws, etc., to indicate matter that is to be omitted.

***

Tender Offer

c/o19 Pierce Avenue, Suite C, #164
Fitchburg, Massachusetts 01420
May 3rd, 2004, A.D.

Diane G. Vieweg, Board Administrator
Fitchburg Retirement System
719 Main Street, City Hall
Fitchburg, Massachusetts 01420

Tender Offer

As unusual as this offer may seem, it is sincere and has its roots in and springs forth from my true and sincerely held religious beliefs. Take the offer to heart and consider the benefits to the taxpayers with a contract that diminishes expenses over time to no expenses at the fullfulment of the proposed agreement.

In recognition of the financial difficulties in these troubling times, I propose the following private contract as one remedy to help reduce the expense to the city of the deferred compensation due and payable commonly known as retirement or pension expenses. The offer is not one sided as the contract will provide to me certain benefits.

Instead of tendering deferred compensation in the

form of commercial paper and/or Federal Reserve Notes, I propose that the compensation be in the form of gold coin, specifically American Gold Eagles of the fifty dollar denomination. Each gold coin contains one ounce of fine gold and is considered by Congress to be equal to and the same as a Fifty Dollar Federal Reserve Note.

Furthermore I propose that the annual payment of gold be reduced in steps over time to zero dollars/ounces. The graduated/down-stepped payments in gold will diminish over time to no payment required and eventually no further expense to the city.

If you have capacity to enter into this contract and if you are interested in reducing and eventually eliminating the retirement expense in this individual case, please let me know as soon as possible. I would like to know your position and intentions within a week, ten days, or so.

Incidently, if you accept my offer and we come to an agreement, the health insurance must be canceled as there is no practical way to purchase coverage from BC/BS using gold.

without prejudice,

s/ Patrick Walsh Faucher
Patrick Walsh Faucher

yr	coin anly	coin moly	approx expen*	face value	expens FRN's
1	96	8	37,824	4,800	43,870
2	84	7	33,096	4,200	87,740
3	72	6	28,368	3,600	131,610
4	60	5	23,640	3,000	175,480
5	48	4	18,912	2,400	219,350
6	36	3	14,184	1,800	263,220
7	24	2	9,456	1,200	307,090
8	12	1	4,728	600	350,960
9	0	0	0	0	394,830
10					438,700
11					482,570
12					526,440
13					570,310
14					614,180
15					658,050
16					701,920
17					745,790
18					789,660

19	833,530
20	877,400
21	921,270
22	965,140
23	1,009,010

* your expense: cost based upon dealer published quote plus shipping as of May 3rd, 2004, A.D. for American Eagle $50.00 gold piece in quantities indicated.

Fitchburg Retirement System
City Hall, 718 Main Street
Fitchburg, Massachusetts 01420
(978) 345-9570 Fax (978) 345-9698
Email: dvieweg@ci.fitchburg.ma.us

Members of the Retirement Board:
Richard N. Sarasin, Chairman, Ex-Officio
John C. Curran, Elected
John R. Lombard, Elected
Ellen M. Jerszyk, Appointed
Norman J. LeBlanc, Appointed

Diane G. Vieweg, Board Administer

May 5, 2004 #1

Patrick Walsh Faucher
C/o 19 Pierce Avenue, Suite C, #164
Fitchburg, MA 01420-7111

Dear Mr. Faucher:

Thank you for your recent letter concerning the private contract you are offering the retirement system.

Although it appears at this time that we would

not be interested in your offer, a copy will be forwarded to the board for discussion. In the event that our position changes, we will contact you.

Thank you again for your consideration.

Sincerely,

s/ Richard N. Sarasin
Richard N. Sarasin

State-Fitchburg Retirement System
City Hall, 718 Main Street
Fitchburg, Massachusetts 01420
(978) 345-9570 Fax (978) 345-9698

Members of the Retirement Board:
Richard N. Sarasin, Chairman, Ex-Officio
John C. Curran, Elected
John R. Lombard, Elected
Ellen M. Jerszyk, Appointed
Norman J. LeBlanc, Appointed

May 26, 2004 #2

Patrick Walsh Faucher
C/O 19 Pierce Avenue, Suite C, #164
Fitchburg, MA 01420-7111

Dear Mr. Faucher:

This letter is to inform you that at the meeting of the Fitchburg Retirement Board yesterday the Board discussed your letter concerning the private contract involving compensation to you in the form of gold coins. Our conclusion was that although we appreciate your offer it would not be feasible to implement such a program, since it goes against guidelines established for all State-Retirement

Systems in the Commonwealth of Massachusetts.

The State-Retirement Systems are required to pay all retirees and beneficiaries pension payments due them by the last day of each month. These payments are required to be paid through payroll check or bank transfers.

Thank you again for your consideration.

Sincerely,

s/ Richard N. Sarasin
Richard N. Sarasin

Cases

Hassett v. Welch, 303 U.S. 303. Ruled that disputes over uncertainties in the tax code should be resolved in favor of the taxpayer. "In view of other settled rules of statutory construction, which teach that... if doubt exists as to the construction of a taxing statute, the doubt should be resolved in favor of the taxpayer..." 1938.

Brady v. U.S., 397 U.S. 742 at 748. Supreme Court ruled that: Waivers of Constitutional Rights not only must be voluntary, they must be knowingly intelligent acts, done with sufficient awareness of the relevant circumstances and consequences." 1970.

Long v. Rasmussen, 281 F. 236, at 238. "The revenue laws are a code or a system in regulation of tax assessment and collection. They relate to taxpayers, and not to non-taxpayers. The latter are without their scope. No procedures are prescribed for non-taxpayers, and no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not assume to deal, and they are neither the subject nor the object of the revenue laws."

Redfield v. Fisher, 292 P. 813, 135 Or. 180, 294 P.461, 73 A.L.R. 721. "The individual, unlike the corporation, cannot be taxed for the mere privilege of existing. The corporation is an artificial entity which owes its existence and charter powers to the state; but the individuals' rights to live and own property are natural rights for the enjoyment of which an excise cannot be

imposed." 1931.

Penhallow v. Doane's Administrators (3 U.S. 54; 1 L.Ed. 57; 3 Dall. 54). Defines governments succinctly: "governments are corporation." Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with artificial persons. 1795.

Maxims of Law

Legal maxim 1: If the plaintiff does not prove his case, the defendant is absolved. In this instant case, the plaintiff shall mean IRS and defendant shall mean Faucher, the petitioner, i.e., In the original contest the IRS failed to present any Thing before the courts.

Legal Maxim 2: A prescriptive and legitimate custom overcomes the law.

Legal Maxim 3: He who uses his legal rights, harms no one.

Legal Maxim 4: Rights never die.

Legal Maxim 5: Where there is a right, there is a remedy.

Legal Maxim 6: Where two rights concur, the more ancient shall be preferred.

Legislative Acts

The Federal Tax Lien Act of 1966 was enacted to align Internal Revenue Code administrative and judicial procedures with UCC requirements -- see legislative history, Senate Report No. 1708, Oct. 13, 1966.

Senate Report No. 1708, Federal Tax Lien Act of 1966, 89th Cong., 2d Sess., P.L. 89--719, 1966 U.S. Code Congressional and Administrative News, pp. 3722, 3728--29

Senate Report No. 1708, which preceded enactment of the Federal Tax Lien Act of 1966.

BLUE CROSS BLUE SHIELD

Patrick-Walsh:Faucher
c/o 49 Mack Road
Fitchburg [near 01420]
Massachusetts, uSA

FITCHBURG RETIREMENT BOARD
CITY HALL
718 MAIN STREET
FITCHBURG, MA 01420

Please find again a completed Benefit Verification Form for the year Two Thousand Six. I am also requesting the correct procedure to withdraw from both Blue Cross / Blue Shield health insurance coverage and life insurance coverage. I no longer wish to receive insurance benefits and I no longer authorize deductions associated with insurance.

Thank you for your time and consideration.

without prejudice

s/ Patrick-Walsh:Faucher
Patrick-Walsh:Faucher

Patrick-Walsh: Faucher
Post Location: In Care Of
c/o 49 Mack Road
Fitchburg [near 01420]
Massachusetts, uSA

October 2nd , 2006 a.D.

re: Xnn98383nnn

BCBS
Box 9145
North Quincy, MA 02171-9145

Blue Cross Blue Shield
of Massachusetts,

Strict liability is an extremely important foundation of law. It is the foundation of the common law. Everybody must be responsible for his or her own actions. Under limited liability no one is responsible for his or her own actions - the Guardian is. You can not have freedom in a Guardian/Ward relationship - the Guardian is the Master, not the Ward. Strict liability is a requirement of God. See: Exodus 21:18-19, 22-25, 28-36; 22:5-6, 14-15.

As a student of the Mosaic Law, I am now aware that it is a transgression of the law of God to engage in limited liability by the use of insurance. Therefore as a Religious Objector (RO) I am canceling immediately the BCBS Master Medical coverage for myself. Cancelled along with the policy are any perceptions, presumptions, authorities, rights, privileges, and immunities claimed by you as a result of the original application for insurance or the policy itself. Wording on the enclosed form has been altered to clearly express my intended exit from the insurance agreement rather than infer or confer additional authority to BCBS to obtain, use, or distribute/share my personal and private information. The changes comport well with my status as a Religious Objector.

Any existing Power of Attorney or any legal fictions are expressly rescinded especially any and all past, present, and future powers, fictions and duties, and any and all perceptions, presumptions, authorities, rights, privileges, and immunities claimed by you or affiliates as a result of the now canceled insurance policy.

Religious Objector status has been entered in the date of birth area as it is a transgression of the law of God to celebrate birthday. I am prohibited from citing or celebrating a birthday. See: Exodus 7:10-12, 19-22; 8:5-7, 16-19; 22:18. Leviticus 19:26; 19:31; 20:6; 20:27. Numbers 23:20-26; 24:1. Deut. 18:9-14. 1 Samuel 28:3-14. 2 Kings 17:17; 21:6; 23:24. 2 Chron. 33:6. Isaiah

8:19; 19:3; 47:9-12. Jeremiah 14:13-16; 27:8-10; 29:8-9. Ezekiel 13:5-8; 22:28. Micah 3:5-12. Zech. 10-2. Acts 16:16-18; 19:13-20. Galatians 5:19-21. Rev. 18:1-2

Enclosed please find your Blue Cross and Blue Shield of Massachusetts (a licensee of the Blue Cross and blue Shield Association) card, returned, in sections.

In a letter to the Fitchburg Retirement Board dated April 19, 2006, and sent via USPS first class, certified mail, return receipt requested, number 7005 1820 0006 3748 9411, my intention to withdraw from medical coverage was clearly stated and any authorization for deductions was cancelled then. A copy of same is enclosed. This withdrawal is effective immediately. There are no claims against the account as I have been responsible for my health care these past many months.

Notice to the Agent is notice to the Principal; notice to the Principal is notice to the Agent.

I reserve all my rights at all times and waive none of my rights at any time especially my right to time.

without prejudice,

s/ Patrick-Walsh: Faucher
Patrick-Walsh: Faucher
Signed at Fitchburg on the Second day in the month of October in the year 2006 anno Domini.

Sent: October 2, 2006, first class mail, USPS, postage paid, Certified Mail, Return Receipt # 7005 1820 0006 3748 9374

Punctuation
Punctuation and etcetera in all document and letter exchanges between parties shall be construed, interpreted, applied, and controlled per Unites States Government Printing Office Style Manual 2000 as issued by the Public Printer under authority of 44 USC 1105, Washington 2000. ISBN 0-16-050082-6 (Paper). USGPO Style Board, Roy W. Morton, Chairman.

Chapter 265: Section 37. Violations of constitutional rights; punishment
Section 37. No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with, or oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the commonwealth or by the constitution or laws of the United States. Any person convicted of violating this provision shall be fined not

more than one thousand dollars or imprisoned not more than one year or both; and if bodily injury results, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than ten years, or both.

There is No Law Requiring an Individual to Obtain or Use a Social Security Number

Your request and/or requirement and/or demand that I provide a social security number to you is a violation of one or more of the following laws: 4 CFR 83.9; 5 USC Sec. 552a; 7 CFR 1.123; 7 USC Sec. 2204g; 14 CFR 1212.604; 17 CFR 249.501a; 19 CFR 118.11; 19 CFR 122.25; 19 CFR 24.5; 24 CFR 5.212; 28 CFR 16.53; 28 CFR 513.31; 28 CFR 700.25; 29 CFR 70a.10; 29 CFR 71.12; 31 CFR 1.32; 31 CFR 501.806; 32 CFR 270.19; 32 CFR 310.20; 32 CFR 311.5; 32 CFR 316.6; 32 CFR 317.20; 32 CFR 323.5; 32 CFR 505.2; 32 CFR 701.108; 32 CFR 806b.9; 38 CFR 1.575; 38 CFR 3.216; 38 USC Sec. 5101; 39 CFR 266.4; 45 CFR Part 801; 47 CFR 0.554; 49 CFR 10.29.

Notice Regarding Disclosure of Social Security Number

Section 7 of Public Law 93-579, as enacted by the Congress of the United States provides that:

(a)(1) It shall be unlawful for any Federal, State or local government agency to deny to any

individual any right, benefit, or privilege provided by law because of such individual's refusal to

disclose his social security account number.

(b) Any Federal, State, or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

18 USC Sec. 242 and 42 USC Sec. 1983 provides that:

"Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both;" 42 USC Sec. 1983 further provides that a violator "shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

42 USC Sec. 408 provides that:

"Whoever ... (8) discloses, uses, or compels the disclosure of the social security number of any person in violation of the laws of the United States; shall be guilty of a felony and upon conviction thereof shall be fined under title 18 or imprisoned for not more than five years, or both.".

Filler Pages for binder process

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